

REMARKSI. Introduction

In response to the Office Action dated July 15, 2002, claim 42 has been cancelled, and claim 66 has been added. Claims 1-66 are in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

With regard to claims 42 and 66, Applicant's attorney noted that there were two claims as originally filed that were labeled "42." The second of these claims was cancelled and added as new claim 66.

III. Drawing Objections

In section (2) of the Office Action, the drawings were objected to as not showing the features from claims 2-22, 24-43 and 45-65.

Applicant's attorney respectfully traverses this objection, and asserts that the drawings do show all the elements of claims 2-22, 24-43 and 45-65.

For example, Block 314 of FIG. 3, which is labeled "Perform Profitability Calculations," is described as follows (at page 21, line 20 et seq.):

Block 314 represents the Value Analyzer Calculation Engine 104 performing the invoked Profitability Calculations 200 using the account, event and organization attributes accessed from the RDBMS 106, as well as one or more profit factors and one or more rules. In this Block, the Profitability Calculations 200 include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

wherein the Indirect Expense comprises costs not related to the accounts that are apportioned among all of the accounts in one or more groups.

In this Block, the Indirect Expense may be apportioned among all of the accounts using organization attributes that are not related directly to the accounts. The Indirect Expense may be apportioned using one of a plurality of apportionment methods and/or using a plurality of apportionment methods, wherein an account may be associated with more than one group and a group may be associated with more than one account. Moreover, any unallocated Indirect Expense is apportioned to an empty group.

Specifically, in the preferred embodiment, this Block calculates the Indirect Expense (IE(a)) for an account a, which comprises:

$$IE(a_i) = \sum_k \left( IE_k * \frac{F(IE_k)(a_i)}{\sum_j F(IE_k)(a_j)} \right)$$

wherein  $IE_k$  is an apportioned amount of IE associated with group  $k$ ,  $A(IE_k)$  is a group of accounts associated with  $IE_k$ ,  $F(IE_k)$  is an apportionment rule associated with group  $k$ ,  $IE_k(a)$  is the amount apportioned to account  $a$  in group  $k$ , and  $IE(a)$  is the total Indirect Expense apportioned to account  $a$ . This Block may perform one or more of seven pre-defined apportionment rules, including a balance-based apportionment, a count-based apportionment, a revenue-based apportionment, a transaction count apportionment, a transaction amount apportionment, a Direct Expense apportionment, and a normalized apportionment. User-defined apportionment rules may be used as well.

The apportionment rules performed in Block 314 are described in more detail at page 15, line 1 - page 20, line 15.

In another example, elements 102, 104 and 106 of FIG. 1 are described as follows (at page 6, line 18 et seq.):

In the exemplary environment, a computer system 100 implements a financial processing system in a three-tier client-server architecture, wherein the first or client tier provides a Value Analyzer Client 102 that may include, inter alia, a graphical user interface (GUI), the second or middle tier provides a Value Analyzer Calculation Engine 104 for performing profitability calculations as described later in this application, and the third or server tier comprises a Relational DataBase Management system (RDBMS) 106 that stores the data and metadata necessary for performing the profitability calculations from the data and metadata stored in a relational database.

In yet another example, FIG. 2 is described as follows (at page 8, line 17 et seq.):

FIG. 2 is a data flow diagram that illustrates the operation of the Value Analyzer Calculation Engine 104 according to the preferred embodiment of the present invention. Within the Value Analyzer Calculation Engine 104, one or more Profitability Calculations 200 accept a number of inputs including Account Attributes 202, Event Attributes 204, Organization Attributes 206, and Profit Factors 208. Thereafter, the Profitability Calculations 200 invoke one or more Rules 210 that generate the FFAPM 212, which in turn are used to create the Database 212. The Database 212 may be represented along account, event, or organization dimensions, or along other dimensions as may be required. These elements are described in more detail below.

Indeed, the entire description of the claimed invention is made with reference to FIGS. 1, 2 and 3. Consequently, the drawings do show the features from claims 2-22, 24-43 and 45-65, and Applicant's attorney requests that the objections be withdrawn.

#### IV. Non-Art Rejections

In sections (3)-(4) of the Office Action, claims 1-65 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant's attorney respectfully traverses these rejections. Each of the terms Profit, Net Interest Revenue, Other Revenue, Direct Expense, Indirect Expense and Risk Provision are explicitly defined in the specification, for example, at page 4, line 12 - page 5, line 23. Moreover, Indirect Expense is described in even more detail in the specification, for example, at page 15, line 1 - page 20, line 15. Consequently, the terms are sufficiently definite, and Applicant's attorney requests that the rejections be withdrawn.

Moreover, Applicant's attorney notes that these rejections are being raised on a third Office Action in the present application, even though the terms have been present in the claims since the original filing. Notwithstanding the issue of compact prosecution and the raising of these rejections at such a late date, this fact also belies the assertion that the claims are indefinite. Indeed, the Office has previously found the claims definite enough to issue two Office Actions.

#### V. Prior Art Rejections

##### A. The Office Action Rejections

In paragraph (4) of the Office Action, claims 1-65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eder, U.S. Patent No. 5,615,109 (Eder).

Applicant's attorney respectfully traverses these rejections.

##### B. Applicant's Independent Claims

Applicant's independent claims 1, 23, and 44 are generally directed to an invention that performs financial processing in a computer. Account, event and organization attributes are accessed from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial

status. One or more profitability calculations are performed in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

$$\begin{aligned}\text{Profit} &= \text{Net Interest Revenue (NIR)} \\ &+ \text{Other Revenue (OR)} \\ &- \text{Direct Expense (DE)} \\ &- \text{Indirect Expense (IE)} \\ &- \text{Risk Provision (RP)}\end{aligned}$$

In these calculations, the Indirect Expense comprises costs not related to the accounts that are apportioned among all of the accounts in one or more groups.

### C. The Eder Reference

Eder describes a computer based inventory control method and system in which feasible profit maximizing sets of requisitions are created. System processing starts with the creation of detailed, multi-dimensional forecasts of sales and cash receipts using stored algorithms and data preferentially extracted from a basic financial system and the adjustment of the forecasts to match the controlling forecast specified by the user. The adjustment of the forecasts is facilitated by the use of a calculated variable that defines the magnitude of the relative adjustment for each forecast element. All forecasts are adjusted to exactly match a controlling forecast which is either a multivalent combination of the previously generated forecasts or the user specified controlling forecast. The adjusted forecast of sales by item is then used in calculating a requisition set that satisfies expected demand while meeting user specified service level targets. A profit maximized requisition set is then created that utilizes vendor and unit of measure substitution under a variety of discount schedules to the extent possible within the user specified constraints. The processing completed by the system to determine the profit maximizing requisition set utilizes multi-objective, mixed-integer, linear programming techniques. A financial forecast is then calculated and displayed to determine if purchasing the profit maximizing requisition set will be feasible under the forecast financial conditions. Once the constraints and/or forecasts are adjusted as required to produce a feasible solution, processing advances to the profit enhancement stage where overall financial constraints are established and user specified constraints on commitment percentages, global unit of measure substitution and global vendor substitution are optionally relaxed and profit enhancing changes are calculated, stored and displayed. The user optionally accepts displayed enhancements

and the financial forecast is recalculated to demonstrate the impact of the accepted changes before the requisitions are modified to reflect the accepted enhancements.

D. Applicant's Claimed Invention Is Patentable Over The Reference

Applicant's attorney respectfully submits that Applicant's claimed invention is patentable over the Eder reference. Specifically, Applicant's attorney asserts that the reference does not teach or suggest the specific combination of elements recited in Applicant's claims.

However, the Office Action asserts the following:

Eder discloses accessing an account to calculate the profit via computer for financial processing accounting for direct and indirect expenses. Eder in row 13 calculates profits equal to revenues minus cost of sales.

To provide, as understood, the revenues minus cost of sales to comprise the five factors listed by the Applicant, would have been obvious to one of ordinary skill in the art. Each of the five factors are well known components within the finance art. To provide such for Eder would have been an obvious design choice for one of ordinary skill in the art. Doing so would use well known components to define profitability. Regarding claims 23-42, Eder is deemed to contain logic that encompasses the claim language. Regarding claims 44-65, the article of manufacture would have been obvious to one of ordinary skill in the art in view of Eder.

Applicant's attorney disagrees with this analysis. None of these assertions provides a proper basis for rejecting claims 1-66, because nowhere is the prior art reference properly applied to the limitations of claims 1-66. Instead, the Office Action relies on general conclusory statements to reject Applicant's claims, without addressing the specific limitations of those claims or the specific teachings of the references.

Consider, for example, that the Office Action implicitly admits that Eder does not teach the Five Factor Atomic Profit Metric (FFAPM), which by definition includes Net Interest Revenue (NIR), Other Revenue (OR), Direct Expense (DE), Indirect Expense (IE) and Risk Provision (RP). Yet, the Office Action states that these components are well known in the art. Applicant's attorney notes that, if they are well known, a reference should be available that describes the FFAPM, but no such reference has been produced.

Eder does not anticipate or render obvious Applicant's invention, because the reference does not describe the specific FFAPM recited in Applicant's claims, nor does it include an Indirect Expense that comprises costs not related to the accounts that are apportioned among all of the

accounts in one or more groups. Indeed, the only reference in Eder to "indirect expenses" states the following at col. 76, line 9:

Indirect expense accounts are those accounts where the expense doesn't flow directly to the ultimate account. Indirect expenses typically flow into (intermediate) liability account such as accounts payable when they are first recognized before eventually flowing to the ultimate account (cash) when they are paid.

These statements by Eder teach away from Applicant's claimed invention, which recites that "the Indirect Expense comprises costs not related to the accounts that are apportioned among all of the accounts in one or more groups." Nothing in Eder refers to such characteristics or functions related to Indirect Expenses. Consequently, the rejections fail to persuade.

Applicant's claimed invention provides operational advantages over the system disclosed in Eder. Eder reflects an approach related to inventory control. Applicant's invention, on the other hand, describes a different, more sophisticated model for Profit calculations, as well as a different, more sophisticated set of relationships between the elements of the model. Eder fails to teach or suggest the specific model, all of the elements of the model, or the relationships between the various elements.

Thus, Applicant submits that independent claims 1, 23 and 44 are allowable over Eder. Further, dependent claims 2-22, 24-43 and 45-66 are submitted to be allowable over Eder in the same manner, because they are dependent on independent claims 1, 23 and 44, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-22, 24-43 and 45-66 recite additional novel elements not shown by Eder.

#### VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.

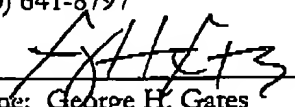
Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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